

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

6 UNITED STATES OF AMERICA,  
7 Plaintiffs,  
8 vs.  
9 WILLIAM HIRST,  
10 Defendants

Case No: C 11-0157 SBA

## ORDER

## Docket 9

13 The parties are presently before the Court on Defendant's Motion for Discovery  
14 Pursuant to Rule 16 of the Federal Rule of Criminal Procedure. Dkt. 9. In Defendant's  
15 motion, he requests production from the Government with regard to sixteen separate items,  
16 Items A through P. Dkt. 9 at 11-18. In its opposition, the Government makes four  
17 arguments not directed at Defendant's Items A through P. Dkt. 12. In fact, the  
18 Government fails to respond to each of Items A through P, and does not indicate whether it  
19 opposes or consents to production under these specific items. Dkt. 12. This Court  
20 generally construes a party's failure to respond to a specific motion or request as consent to  
21 granting the motion or request. However, in light of the fact that the Government raised  
22 some arguments pertaining to production under the requests, the Court will afford the  
23 Government another opportunity to state its specific position with regard to each of  
24 Defendant's sixteen items, Items A through P, found at Docket 9 on pages 11 through 18.  
25 Should the Government fail to respond to any request, the Court will construe its failure to

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1 respond as consent to granting Defendant's motion to produce with regard to that request.

2 Accordingly,

3 IT IS HEREBY ORDERED THAT:

4 1. Within seven (7) days from the date of this Order, the Government will file a  
5 supplemental brief setting forth a response to each of the sixteen discovery requests, Items  
6 A through P, propounded by Defendant in its motion for discovery. Dkt. 9 at 11-18. The  
7 Government shall indicate whether it opposes production under the requests, and, if so, it  
8 shall specify its reasons and supporting authority. If the Government does not oppose  
9 production under any request, it shall state that it has no opposition to the Court granting  
10 production under the request. Should the Government fail to respond to any request, the  
11 Court will construe the failure to respond as consent to granting the request.

12 2. Within seven (7) days from the date the Government files its supplemental  
13 brief, Defendant shall file its reply to the supplemental brief.

14 3. The hearing date of September 19, 2011 is VACATED. Defendant shall re-  
15 notice the motion for the next available hearing date as of the close of briefing.

16 IT IS SO ORDERED.

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19 Dated: September 14, 2011

  
20 SAUNDRA BROWN ARMSTRONG  
21 United States District Judge  
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